

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1489 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 1304 OF 2022

Ashok Tahilram Sadarangani ... Applicant
Versus
Dr. Vivek Rasikraj Wayse and Anr ... Respondents

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Mr. Bharat K. Manghani, Advocate for the Applicant.
Mr. Avinash B. Avhad a/w. Mr. Mahesh Rawool and Ghule Sahil Satyavar,
Advocates for Respondent No.1.
Mr. Prasanna P. Malshe, APP for Respondent No.2-State.

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CORAM : SHIVKUMAR DIGE, J.
DATED : 20th JANUARY, 2025.

P.C. :

- 1.** Heard learned counsel for the applicant, learned counsel for respondent No.1 and learned APP for respondent No.2- State.
- 2.** Learned counsel for the applicant submits that applicant had filed complaint against the respondent No.1 under Section 420 of Indian Penal Code ('IPC') and other Sections of IPC. The respondent No.1 had filed application for anticipatory bail before this Court. After hearing both the parties in the said application consent terms were filed between the applicant and respondent No.1 and as per the consent terms, respondent No.1 supposed to pay Rs.2,95,00,000/- within 9 months as set out in paragraph 2a of the schedule of payment. The said consent terms are taken on record by this Court (Coram : Bharati Dangre, J.) on 20.10.2022.

On the basis of consent terms, this Court has granted anticipatory bail to respondent No.1. Till date on one and other pretext respondent No.1 has sought time to deposit the amount. Since then respondent No.1 has paid some amount but Rs.95 lakhs is the balance amount, not yet paid, hence requested to cancel the anticipatory bail application granted to the respondent No.1.

3. Learned counsel for respondent No.1 submits that he has contacted the respondent No.1 but he did not get any instructions from respondent No.1. Learned counsel further submitted that respondent No.1 submits that respondent No.1 has deposited major chunk of the amount, only Rs.95 lakhs remained to be deposited, it will be deposited within short time, hence requested to reject the application.

4. Learned APP submits that appropriate order be passed.

5. I have heard all learned counsel. Perused order dated 20.10.2022. This order has allowed Anticipatory Bail application of the respondent No.1 on the basis of consent terms filed between the applicant and the respondent No.1. Consent Term is taken on record, it is signed by applicant and respondent No.1 and as per the said consent terms, respondent No.1 supposed to pay Rs.2,95,00,000/- within 9 months but it was not paid. Thereafter applicant had filed application for cancellation of bail being Interim Application No. 1175 of 2023. After filing the said application, this Court (Coram : Anuja Prabhudessai, J.) has passed order dated 24.07.2023, at that time respondent No.2 gave fresh undertaking

before this Court and asked time for depositing the amount as agreed in the consent terms. Thereafter also respondent No.1 sought time to deposit amount but the said order was not complied. Till date the respondent No.1 failed to deposit Rs.95 lakhs. The consent terms were filed in the year 2022 till date the terms mentioned in the consent terms are not complied. Considering these facts, anticipatory bail granted to the respondent No.1 in C.R.No. 102 of 2022 registered with Khar Police Station is canceled.

6. Interim Application is disposed of.

(SHIVKUMAR DIGE, J.)